

SMILEY WANG-EKVALL, LLP
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Tel 714 445-1000 • Fax 714 445-1002

SMILEY WANG-EKVALL, LLP
Robert S. Marticello, State Bar No. 244256
rmarticello@swelawfirm.com
Timothy W. Evanston, State Bar No. 319342
tevanston@swelawfirm.com
3200 Park Center Drive, Suite 250
Costa Mesa, California 92626
Telephone: 714 445-1000
Facsimile: 714 445-1002

Proposed Counsel for Donald Chae, Debtor-in-Possession

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION

In re
DONALD CHAE,

Debtor and Debtor-in-Possession.

Case No. 8:21-bk-12493-ES

Chapter 11

**SUPPLEMENT TO APPLICATION OF
DEBTOR AND DEBTOR-IN-
POSSESSION FOR APPROVAL OF
EMPLOYMENT OF SMILEY WANG-
EKVALL, LLP AS GENERAL
BANKRUPTCY COUNSEL**

**[No Hearing Required Pursuant to Local
Bankruptcy Rule 2014-1(b)(1) and 9013-
1(o)]**

TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY JUDGE:

Donald Chae, the debtor and debtor-in-possession (the "Debtor"), files this supplement to *Application of Debtor and Debtor-In-Possession for Approval of Employment of Smiley Wang-Ekvall, LLP as General Bankruptcy Counsel* [Docket No. 31] ("Application") as requested by the Court. Capitalized terms shall have the meanings set forth in the Application.

The amount of the Firm's retainer is intended to be \$142,073.51. As set forth in the Application, the Firm originally received a retainer in the amount of \$180,000 for both the Debtor and Min Chae. The entire \$180,000 was paid by a non-debtor party, Comex. The Firm allocated \$90,000 to each the Debtor and Min Chae. Pre-petition, the Firm drew against the \$180,000 retainer in accordance with its engagement agreements as work was performed. The pre-petition

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1 work reduced, but did not exhaust the retainer. After Min Chae's passing and in anticipation of the
2 Debtor's bankruptcy filing on October 3, 2021, the Firm received a further wire of \$85,000 from
3 Comex to replenish the Firm's retainer.

4 Of the \$142,073.51 currently in the Firm's possession, (a) \$101,052.55 is comprised of the
5 \$85,000 wired to the Firm for the Debtor's bankruptcy filing and the remaining balance of the
6 initial retainer allocated to the Debtor, and (b) \$41,020.96 is the remaining portion of the initial
7 retainer allocated to Min Chae. While \$41,020.96 of the retainer in the Firm's possession was
8 originally allocated to Min Chae, the entire original retainer was paid by the non-debtor party
9 Comex. With the consent of Comex, the entire retainer remaining as of the Petition Date is be
10 used for the Debtor's bankruptcy case.

11
12 DATED: November 5, 2021

Respectfully submitted,

13 SMILEY WANG-EKVALL, LLP
14

15 By: /s/ Robert S. Marticello
16 ROBERT S. MARTICELLO
17 Proposed Counsel for Donald Chae, Debtor-in-
18 Possession
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626

A true and correct copy of the foregoing document entitled (*specify*): **Supplement to Application of Debtor and Debtor-in-Possession for Approval of Employment of Smiley Wang-Ekvall, LLP as General Bankruptcy Counsel** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **11/5/2021**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **11/5/2021**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Overnight Mail:

Honorable Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1534 / Courtroom 1539
Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/5/2021
Date

Lynnette Garrett
Printed Name

/s/ Lynnette Garrett
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

- Sean R Bozarth seanb@novianlaw.com
- Steven Casselberry s.casselberry@mpglaw.com, j.jacobs@mpglaw.com
- Timothy W Evanston tevanston@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- Amir Gamliel amir-gamliel-9554@ecf.pacerpro.com, cmallahi@perkinscoie.com;DocketLA@perkinscoie.com
- Nancy S Goldenberg nancy.goldenberg@usdoj.gov
- Harry Kim harrykim@lacwkr.com
- Daniel A Lev dlev@sulmeyerlaw.com, ccaldwell@sulmeyerlaw.com;dlev@ecf.inforuptcy.com
- Patricia H Lyon phlyon@frenchlyontang.com, mwoodward@frenchlyontang.com
- Aaron J Malo amalo@sheppardmullin.com, clopez@sheppardmullin.com;abilly@sheppardmullin.com
- Robert S Marticello Rmarticello@swelawfirm.com, gcruz@swelawfirm.com;lgarrett@swelawfirm.com;jchung@swelawfirm.com
- Kyle J Mathews kmathews@sheppardmullin.com
- Scott H Noskin snoskin@mbnlawyers.com, aacosta@mbnlawyers.com
- Farhad Novian amanda@novianlaw.com
- Ronald N Richards ron@ronaldrichards.com, morani@ronaldrichards.com
- Meagan S Tom meagan.tom@lockelord.com, autodocket@lockelord.com;steven.pearson@lockelord.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- Reed S Waddell rwaddell@frandzel.com, sking@frandzel.com